

**JUDGE TORRES**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEITH WHITTAKER,

Petitioner,

v.

MHR FUND MANAGEMENT LLC, MHR  
INSTITUTIONAL ADVISORS II LLC, AND MHR  
INSTITUTIONAL ADVISORS III LLC,

Respondents.

*su*

~~PROPOSED ORDER  
GRANTING  
PERMISSION TO  
COMMENCE ACTION  
UNDER SEAL~~

Case No.

**20 CV 7599**

Upon the oral application and the annexed Letter Motion of Peter A. Bellacosa, dated September 16, 2020, seeking permission to commence an action for vacatur and/or modification of an arbitration award issued in the arbitration captioned *MHR Fund Management, LLC, et al. v. Keith Whittaker* under seal, and sufficient reason appearing therein for the grant of said application, it is hereby:

ORDERED that, such application is GRANTED and, upon payment of the requisite filing fee, petitioner Keith Whittaker shall be permitted to file commencement documents for the aforementioned matter under seal; and it is further

ORDERED that, all documents filed in the aforementioned action shall be filed under seal with the Clerk of the Court and kept under seal until further Order of the Court.

All persons are hereby placed on notice that the Court retains unfettered discretion whether or not to afford confidential treatment to any confidential document or information contained in any confidential document submitted to the Court in connection with any motion, application, or proceeding that may result in an order and/or decision by the Court.

The sealing will be permitted only until 9/23/20.  
Thereafter, unless any party applies to keep the seal  
in place for good cause shown, the documents will  
be automatically unsealed by the Clerk.

Dated: September 16, 2020

New York, New York

SO ORDERED

  
United States District Judge

Part I